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ABSTRACT

This document contains the policies and procedures developed by the Long Beach Community College District to comply with the Family Educational Rights and Privacy Act of 1974. It contains the following: (1) a definition of the term "Educational Records"; (2) a list of the records, files, documents, and other materials maintained at the Admissions and Records Office which contain information directly related to students; (3) a description of the policies and procedures developed for giving students access to these records and a list of the educational records expressly exempted from the right of review and inspection; (4) a description of the policies and procedures to be used in complying with the student's exercise of his right to challenge the content of educational records; (5) a description of the policies and procedures to be used in releasing student information and a list of the materials exempted from the general prohibition against release of such information without the student's consent; and (6) a description of the procedures to be used in notifying all students of their rights under the Act. (DC)

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PROCEDURES FOR THE IMPLEMENTATION OF THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974

Long Beach Community College District
Long Beach City College

Michael L. Maas
Dean, Admissions and Records

JC 760 173

INTRODUCTION

In an effort to comply with all rules and regulations of The Family Educational Rights and Privacy Act of 1974, the staff of the Admissions and Records Office of Long Beach Community College District has made an exhaustive review of all educational records as well as all procedures relating to such records.

In order to be in compliance with The Family Educational Rights and Privacy Act, the Admissions and Records Office has defined procedures in five basic areas relating to student records. They are as follows:

1. Review and revision of current policy on student records.
2. Establishment of policy and procedures for access to records by students.
3. Establishment of policy and procedures for challenge of educational records.
4. Establishment of policy and procedures for release of information.
5. Establishment of policy and procedures for notice to students of their rights under the Act.

Each of these topics is discussed in detail in the sections that follow. In addition, the five appendices illustrate the various forms that will be implemented to assist the office in complying with The Act.

In compliance with The Family Educational Rights and Privacy Act of 1974 Long Beach City College has adopted the following policy:

I. Definition of Educational Records

"Educational Records" (a) mean those records, files,

documents, and other materials, which (1) contain information directly related to a student; and (2) are maintained by a district or college. (b) The term does not include: (1) records of instrtuctional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute.

The following records, files, documents, and other materials which contain information directly related to a student are maintained by the college at the Admissions and Records Office:

A. Test scores and results

Student permanent scholastic record

Request for Matriculation

Long Beach City College Application for Admission

Counselor notation sheet

Long Beach City College graduation application and check sheet

File copies of petitions

High school transcripts

College transcripts

Correspondence to students

Change of personal data information forms

Selective Service System student certifications

Instructor attendance and grade record books

Program cards

Status of Matriculation cards

Student certification form for social security

Veterans records

Student change of program cards

Foreign student application packet

Interdistrict release applications

Additional information on students which may be personally identifiable may be located at one of the following offices:

Campus Nurses' Office

Office of Nursing and Health Technology

Learning Centers

Career Center

Financial Aids Office

Veterans Affairs Office

Psychologist's Office

II. Access To Educational Records

Students eighteen years of age or older either presently or previously enrolled have the right to inspect and review their educational records maintained by the college. students who follow the procedure established by the college shall be granted access to their records within a reasonable period of time (in no case more than 10 working days.)

A. The following records, files, documents, and other materials are expressly exempted from the right of review and inspection:

1. Financial records of the parents of the student or any information contained in these records.
2. Confidential letters and statements of recommendation which were placed in the educational records prior to

January 1, 1975

3. Confidential recommendation respecting admission to any educational agency or institution, or an application for employment.
4. Records of instructional, supervisory and administrative personnel which are in their sole possession and which are not accessible to any other person except a substitute.
5. Records and documents that are kept apart from the educational records described and maintained solely for law enforcement purposes if the law enforcement officials of the unit do not have access to educational records as defined, and if they do not make the records and documents available to persons other than law enforcement of the same jurisdiction.
6. Records made and maintained of persons who are employed by the college in the normal course of business which relate exclusively to the person in that person's capacity as an employee and are not available for use for any other purpose.
7. Records on a student who is attending a Community College which are created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or para-professional capacity, or assisting in that capacity, and which are created, maintained, or used only in connection with the provision of treatment to the student, and are not available to anyone other

than persons providing such treatment; provided, however, that such records can be personally reviewed by a physician or other appropriate professional of the student's choice.

B. If any material or document in the educational record of a student includes information on more than one student, the student shall have the right to inspect and review only such part of the material or document as relates to him or to be informed of the specific information contained in such part of the material or document.

C. Procedure for Student Access to Educational Records. In order for a current or former student of the college to gain access to their educational records the following procedure will be adhered to:

1. The student will submit a written request to the Dean of Admissions and Records requesting the right to inspect and review his educational records. See Appendix A.
2. The records will be made available to the student within a reasonable period of time (in no case more than 10 working days) for inspection and review. The student will be notified as to when he may inspect and review the records.
3. The Dean of Admissions or his designate shall be present when the student inspects and reviews the educational records in the office where the records are maintained in order to maintain adequate safeguards to preserve the integrity of the records and

and to provide any necessary interpretation and explanation of entries.

4. The Dean of Admissions or his designate has the authority to make changes in the educational records as long as such changes do not constitute interference of integrity of professional entries.
5. The student may inspect and review the records for a reasonable length of time and has the right to request of the Dean of Admissions or his designate that copies be made for the student to keep in his possession. A reasonable fee may be levied by the college for student copies.

III. Student Right to Challenge Content of Educational Records

A. Students who are or have been in attendance at the college are afforded the opportunity to challenge the content of the educational records in order to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student and to provide an opportunity for the correction or deletion of any inaccurate, misleading, or otherwise inappropriate data contained in the records.

It should be noted that under this challenge right the student is not granted the right to contest a grade given the student's performance in a course. With respect to grades, this procedure is only to challenge the accuracy of college records which record the grade which was actually given.

B. Informal Proceedings - Attempts to settle a dispute concerning a student's records through informal meetings and discussions between the student and college officials prior to the initiation of a formal hearing are encouraged and expressly authorized.

C. Formal Hearings

1. Once a challenge to a portion of a student's educational records has been filed, either the student or the college may request that a hearing be held.

D. Student Record Challenges Hearing Procedure

1. Informal Proceedings

A student wishing to challenge any information contained in his educational records shall contact the Dean of Admissions, who shall refer the student to the appropriate college official and shall provide a written explanation of the basis for his challenge. The college shall designate college officials who are authorized to evaluate student challenges, and where necessary to order the correction or deletion of information they determine to be inaccurate, misleading, or otherwise in violation of the sudent's right of privacy or other rights.

2. Filing of Formal Challenge

Should informal proceedings fail to satisfactorily resolve the student's contention, the student may contact the Dean of Admissions to request a formal hearing. The request shall be on a form provided by

the college and shall specify the exact portion(s) of the records that the student desires to be corrected or deleted, and the precise grounds upon which he bases his challenge. The Dean of Admissions shall within 10 days of the filing of the written request assign the matter to a Hearing Officer selected pursuant to the following section. (See Appendix B.)

3. Hearing Officers

The Vice President of Student Personnal Services shall assign student record challenges for hearing to any member of the contract certificated staff of the college. The person selected by the Vice President of Student Personnel Services shall not have a direct interest in the outcome of the hearing.

4. Hearing Procedure

The Hearing Officer assigned shall select a hearing date after consultation with the student and the Vice President of Student Personnel Services. At the hearing, the student shall be given an adequate opportunity to present witnesses and other evidence in support of his contentions. The student filing the challenge shall present his evidence first, after which appropriate members of the college administration and faculty shall have an opportunity to present evidence in support of the information contained in the challenged records. The student

shall have the burden of proving that the record should be corrected or deleted.

5. Decision

The Hearing Officer shall render his decision in writing within 10 days of the conclusion of the of the hearing. The written decision shall be forwarded to the President/Superintendent of Long Beach Community College District who shall make the final determination of what action, if any, is to be taken. If the decision of the Hearing Officer sustains the student's allegations in whole or in part, he may recommend the information found to be inaccurate, misleading, or in violation of the student's right of privacy or other rights corrected or deleted from the student's record.

6. If the decision of the Hearing Officer and appropriate college officials finds that the information contained in the records is accurate, appropriate, and not misleading, the student may enter an explanatory statement concerning the information he is challenging.

IV. Release of Student Information

The college shall not release educational records or any personally identifiable information contained in them without the written consent of the adult student or his parents if he is a minor, to any individual, agency, or organization. The exceptions to this release policy are listed below, but it

should be noted that these agencies, individuals, and organizations who fit the exceptions are expressly forbidden from permitting access of these records to third parties. (See Appendix D.)

A. Specific Exceptions

1. Records which are not considered educational records do not fall within that category and are not covered by the general rule prohibiting the release of student records. The list of specific exceptions is found earlier in this document under: II, Access to Educational Records, (A).

B. Other Exceptions

The following is a list of other exceptions from the general prohibition against release of information, even if the records are educational records:

1. State-level school officials and other school officials, including college instructors and other staff members who have a legitimate educational interest. A college staff member has "legitimate educational interest" if and only if the knowledge acquired by examining a student's record will assist the staff member in teaching, advising, and/or counseling the student in a more professional manner.
2. Officials of other schools and colleges in which the student seeks, or intends to enroll, upon condition that the student be notified of the transfer of

the records, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record. Other schools and colleges in which the student is currently enrolled must have the written consent of the student.

3. Authorized representatives of the Comptroller General of the United States, the Secretary of HEW, and administrative head of an education agency or state educational authorities.

   These persons may only have access to information which may be necessary in connection with audit and evaluation of federally supported education programs, or in connection with enforcement of the federal legal requirements which relate to such programs: Provided that except when collection of personally identifiable information is specifically authorized by federal law, any data collected by such official shall be protected in a manner which will not permit the personal identification of students and their parents by other than those officials and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, and enforcement of federal legal requirements.

4. Information on a student, even if it is contained in educational records, may be released by the college if it is in connection with a student's application for or receipt of financial aid.

5. State and local officials or authorities to which such information is specifically required to be reported or disclosed pursuant to State Statute adopted prior to November 19, 1974.
6. Organizations conducting studies for, or on behalf of districts or colleges for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations, and such information will be destroyed when no longer needed for which it is conducted.
7. Accrediting organizations in order to carry out their accrediting functions.
8. Parents of a student who claim him/her as a dependent according to the Internal Revenue Code. (Student receives over one-half of his/her financial support from the parent or parents.) Said parents are limited to access only and are not permitted to authorize release to third parties.
9. Appropriate persons in an emergency if the knowledge of such information is necessary to protect the health or safety of the student or other persons.
10. In compliance with judicial orders and lawfully issued subpoenas, information will be released. However, the student will be notified by mail of all such orders or subpoenas in advance of compliance by

the college. (See Appendix C.)

V. Record of Access

The college will maintain with each student's educational record an access list which includes the identity of persons who have had access to the student's records, the dates of the access, and the reasons for such access. The access list will exclude inquiries by college personnel. (See Appendix E.)

VI. Transfer of Information by Third Parties

Personal information may be transferred to a third party only on the condition that such party will not permit access by any other party without written consent of the student.

VII. Consent

Unless the several exceptions to the general rule are applicable, the consent of the student must be obtained before records or any part thereof may be released. The consent must be in writing; signed and dated by the student. It must also include a specification of the records to be released, the reason for the release, and the names of those to whom the records will be released.

VIII. Notice

Students will be informed semesterly by the college of their rights under this policy. The following statement shall appear in the Schedule of Classes each semester:

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974

All student records of Long Beach City College are kept in accordance with the provisions of

The Family Educational Rights and Privacy Act of 1974.

Students may request access to those campus records which personally identify the student; the student may challenge the accuracy of the record or the appropriateness of its retention in the campus records. Student consent is needed for the release of records covered by the Act to outside parties (e.g., prospective employers) except for those agencies entitled to access under the provisions of the Act (e.g., campus officials, other schools, federal educational and auditing officers, and requests in connection with the application or receipt of financial aid.) These provisions apply to records received and used after November 19, 1974.

A student may request a copy of a record which the student has requested or consented to be released. Copies of the full text of the Family Educational Rights and Privacy Act of 1974 are available at the Campus Library, Reserve Desk. Particular questions with respect to a student's perogatives under the Family Educational Rights and Privacy Act of 1974 should be directed to the office of the Dean of Admissions and Records.

APPENDIX A

REQUEST FOR APPOINTMENT TO

REVIEW EDUCATIONAL RECORDS

I hereby request an appointment with the Dean of Admissions and Records or his designee to review the contents of my educational records folder.

_____ _____

Student Signature Date

_____ _____

Dean of Admissions Date of Appointment

Action Taken:

APPENDIX B

REQUEST FOR FORMAL HEARING REGARDING EDUCATIONAL RECORDS

I AM CHALLENGING THE INFORMATION CONTAINED IN MY EDUCATIONAL RECORDS AND DO HEREBY REQUEST A FORMAL HEARING TO RESOLVE THE PROBLEM. THE FOLLOWING PORTION(S) OF THE EDUCATIONAL RECORDS ARE OF PRECISE CONCERN TO ME: _____

_____

_____

I AM CHALLENGING THESE RECORDS FOR THE FOLLOWING REASON: _____

_____

_____

_____

_____

_____

_____

_____

_____ _____

(Student Signature) (Date)

LONG BEACH COMMUNITY COLLEGE DISTRICT
LONG BEACH CITY COLLEGE

BUSINESS AND TECHNOLOGY CAMPUS
1305 EAST PACIFIC COAST HIGHWAY
LONG BEACH, CALIFORNIA 90806
TELEPHONE: (213) 599-2421

LIBERAL ARTS CAMPUS
4901 EAST CARSON STREET
LONG BEACH, CALIFORNIA 90808
TELEPHONE: (213) 420-4111

Dear _____:

Long Beach City College has been issued a (judicial order) (subpoena) requesting access to your educational records. By law we are required to comply with this request. As the student involved, you have the right to review the copy of the records that we will submit. You will have seven calendar days from the date of this letter to review this material prior to our forwarding it.

Sincerely,

Michael L. Maas
Dean, Admissions & Records

vk

Ph. 420-4130

APPENDIX D

LONG BEACH COMMUNITY COLLEGE DISTRICT
LONG BEACH CITY COLLEGE
4901 East Carson Street
Long Beach, California 90808
Telephone: (213) 420-4135

We are returning this inquiry to you for the following reason:

> Due to the restrictions provided in Public Law 93-380 (The Family Rights and Privacy Act of 1974) and provisions of the California Education Code we cannot release the requested information without the written consent of the student.

It would be our suggestion that you secure a written request from the student for the release of this information. A copy of this signed release with your request could be honored by our office.

Michael L. Maas
Dean, Admissions & Records

12/75

UNIVERSITY OF CALIF.
LOS ANGELES

APR 9 1976

CLEARINGHOUSE FOR
JUNIOR COLLEGES

APPENDIX E

RECORD ACCESS ROSTER

DATE	NAME	POSITION	REASON FOR ACCESS